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*Counsel for Bristol County Retirement System and
Joseph S. Maroun*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RYAN SCHELLER, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

NUTANIX, INC., DHEERAJ PANDEY, and
DUSTON M. WILLIAMS,

Defendants.

Case No. 3:19-cv-01651-WHO

CLASS ACTION

**NOTICE OF NON-OPPOSITION OF
BRISTOL COUNTY RETIREMENT
SYSTEM AND JOSEPH S. MAROUN TO
COMPETING MOTIONS FOR
APPOINTMENT AS LEAD PLAINTIFF
AND APPROVAL OF SELECTION OF
LEAD COUNSEL**

Date: July 10, 2019
Time: 9:00 a.m.
Courtroom: 2 – 17th Floor
Judge: William H. Orrick III

TIM MAUTER, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

NUTANIX, INC., DHEERAJ PANDEY and
DUSTON M. WILLIAMS,

Defendants.

Case No. 3:19-cv-02442-RS

JOSEPH S. MAROUN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

NUTANIX, INC., DHEERAJ PANDEY and
DUSTON M. WILLIAMS,

Defendants.

Case No. 3:19-cv-02744-RS

HEIDI ZAPF, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

NUTANIX, INC., DHEERAJ PANDEY, and
DUSTON M. WILLIAMS,

Defendants.

Case No. 3:19-cv-02781-SI

NOTICE OF NON-OPPOSITION

Proposed Lead Plaintiff Bristol County Retirement System and Joseph S. Maroun (“Bristol and Maroun”) respectfully submit this notice of non-opposition with respect to the pending motions for appointment as Lead Plaintiff and approval of selection of Lead Counsel in the above-captioned securities class actions (the “Action”).

On May 28, 2019, Bristol and Maroun filed a motion for appointment as Lead Plaintiff and approval of selection of Lead Counsel for the Class. *See* ECF No. 35. On that date, Shimon Hedvat (ECF No. 22); Frank H. May (ECF No. 37); Jose Flores (ECF No. 32); Mamood Sabahi (ECF No. 26); City of Birmingham Retirement and Relief System (ECF No. 19); John Barnes, Heidi Zapf, and Ronald Castillo (ECF No. 47); and David Panczner (ECF No. 17), also filed competing motions for appointment as Lead Plaintiff and approval of selection of Lead Counsel.

The Private Securities Litigation Reform Act (“PSLRA”) provides that the “court shall adopt a presumption that the most adequate plaintiff” is the movant with “the largest financial interest in the relief sought by the class” that “otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure.” 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I). Having reviewed the competing motions and supporting papers provided by the other movants seeking appointment as Lead Plaintiff, it does not appear that Bristol and Maroun possess the largest financial interest as required by the PSLRA.

However, were the Court to determine that any of the other movants seeking appointment as Lead Plaintiff are incapable or inadequate to represent the Class in this litigation, Bristol and Maroun stand ready, willing, and able to serve as Lead Plaintiff of the Action. Bristol and Maroun reserve any and all rights to participate in any recovery in the Action.

DATED: July 8, 2019

Respectfully submitted,

/s/ James M. Wagstaffe

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Additional Counsel for Joseph S. Maroun

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 8, 2019, I was authorized to electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

/s/ James M. Wagstaffe
James M. Wagstaffe